THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26260 OF 2005

13.3.2006

Between:

Smt.T.Bharatha Lakshmi, W/o.T.Nerella

And others

… Petitioners

AND

The Joint Collector, Ranga Reddy District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26260 OF 2005

ORDER:

The petitioners filed the present writ petition challenging the orders dated 23.10.2004 passed by the first respondent herein confirming the orders dated 11.9.2002 passed by the second respondent, who in turn confirmed the orders dated 03.6.2002 passed by third respondent.

It is the case of the petitioners that the petitioners 2 and 3 herein along with their brother, T.Janardhana Rao, purchased land admeasuring Acs.1.36 gts., in survey No.7/2 situated at Khajaguda village of Serilingampally Mandal in Ranga Reddy District from U.Anjaiah and U.Pentaiah under a registered sale deed dated 17.9.1979. They allege that they obtained loan from Syndicate Bank by mortgaging the land and established poultry/dairy farm by constructing poultry sheds and dairy farm shed in the land. They also constructed sheds in House No.1-61/1, which are assessed to property tax by Serilingampally Municipality. The third respondent herein initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and issued a notice under Rule 3 of A.P.

Assigned Lands (Prohibition of Transfers) Rules, 1977 alleging that the petitioners purchased assigned land in contravention of the provisions of Section 3(2) of the Act. T.Janardhana Rao submitted representation on 16.4.2002. After considering the same, third respondent passed orders on 03.6.2002 for resumption of the land with the government on the ground that the petitioners purchased assigned land in violation of the Act. The petitioners, therefore, filed appeal before the second respondent and they were unsuccessful. Therefore, they filed a revision petition under Section 4B of the Act before the first respondent. When the matter was coming up for hearing on 22.11.2003 before the first respondent, learned counsel for the petitioners or T.Janardhana Rao, who filed revision petition, was absent and, therefore, the first respondent considered the record and passed the orders confirming the orders of the Revenue Divisional Officer (RDO) and the Mandal Revenue Officer (MRO).

Inter alia, it is contended that by the time, the Joint Collector passed orders on 23.10.2004 the brother of the petitioners 2 and 3 herein, T.Janardhana Rao, died and that there was no notice of hearing on the petitioners. Therefore, learned counsel for the petitioners would urge that the impugned order is passed without hearing the petitioners and in violation of principles of natural justice. He placed reliance on the death certificate in proof of the evidence that T.Janardhana Rao, the brother of petitioners 2 and 3, died on 04.7.2003. It is also the case of the petitioners that immediately after coming to know about the orders, they filed the present writ petition and on 23.11.2005 the officials of the fourth respondent to whom the land was leased out by the government came and caused damage to the petitioners' land.

After hearing the learned Counsel for the petitioners, learned Assistant Government Pleader for Revenue (Assignment) and learned Cousnel for the fourth respondent, this Court is convinced that Janardhana Rao, the brother of petitioners 2 and 3 and son of the first petitioner, was pursuing the case before the authorities and as he died, there was no appearance before the Joint Collector. Taking this into consideration, this Court is of considered opinion that interest of justice would be met by disposing of the matter in the following manner.

The writ petition is disposed of setting aside the impugned order and remanding the matter to the Joint Collector. The petitioners herein shall appear before the Joint Collector on 20.3.2006 at 10.30 a.m. positively. The Joint Collector shall hear the petitioners or their Counsel and dispose of the matter within a week thereafter. There shall be *status quo* till then. Learned Counsel for the fourth respondent, Sri Y.Ratnakar, submits that possession was already delivered to the fourth respondent. The same is recorded. There shall be no order as to costs.

(**V.V.S.RAO, J**)

March 13, 2006

YS